REMARKS/ARGUMENTS

Claims 12 - 17 are pending in the application. Claims 12 and 14 - 17 are rejected. Claim 13 is indicated as objected to but otherwise contains allowable subject matter. Claims 12, 15, 16 and 17 are amended. New claims 18 - 20 are added. No new matter has been added.

Allowable Subject Matter

Claim 13 is objected to as being dependent on a rejected base claim, but would otherwise be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. Applicants wish to thank the Examiner for the indication of allowable subject matter.

Rejection of Claims under 35 U.S.C. § 102(e)

Claims 15 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,170,065 (Kobota). Claim 15 has been amended to include at least the following limitations that are not described, suggested or otherwise taught in the Kobata reference:

> "a failure reporting executable that is launched by the program module on the user computing device when a failure occurs in the program module, wherein the failure reporting executable is arranged to generate a failure report including bucket information that uniquely defines a location of the failure in the program module;
>
> a file server operative to receive and store the failure report from the failure reporting executable; and
>
> an administrative reporting executable comprising computer-executable steps for receiving the failure report from the failure reporting executable and communicating the failure report to the file server for storage."

The Kobata reference (6,170,065) has been carefully reviewed and is believed to be lacking these essential teachings. For example, the Kobata reference fails to teach that a failure reporting executable is launched **by the program module on the user computing device** when a failure occurs **in the program module**, as is taught by Applicants' amended claim 15. Instead Kobata teaches that an administrator that is **on the server side** of the network manually identifies a problem (See. 50 and 52 in FIG. 3, and col. 4, lines 46 - 54, and then the **administrator manually initiates** a script in an attempt to fix the problem with the client (See. Col. 4, lines 27 – 29). In Kobata, the problems are either manually diagnosed by the administrator or by the server (See. Col. 3, lines 63 – 64, and Col. 6, lines 26 - 32), and not by the program module as is found in Applicants' amended claim 15. Moreover, the Kobata reference has a very different purpose from the Applicants' invention in that Kobata's purpose is to manage a plurality of computers by pushing scripts and repair patches out to multiple client computers **once the administrator has identified** a solution to the problem (See. Col. 6, lines 36 – 43 and Col. 7, lines 55 - 60).

In Applicants' amended claim 15, the failure reporting executable is launched **by the program module** itself, and the failure reporting executable generates the failure report that is received by the administrative reporting executable. The failure report in Applicants' amended claim 15 includes bucket data that **uniquely defines the location of the failure** in the program module. It is important to note that Applicants' claim 15 not require the file server to actively poll the program module to diagnose errors, and instead describes receiving failure reports that are generated **on the user computing device** in response to the failure in the program module. Applicants' amended claim 15 further describes that the administrative reporting executable

mitigates communication between the file server and the failure reporting executable. Kobata does not teach these features, and instead teaches away form these features by requiring extensive administrator interaction such as the administrator manually creating incident reports, logging incident reports in the local administrator's database, and manually searching the local administrators database for known solutions to problems (e.g., see FIG. 3 blocks 50, 52, and 62).

For at least those reasons described above it is believed that the rejection of claim 15 under 35 U.S.C. § 102(b) is overcome and notice to that effect is kindly requested.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 12 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,892,317 (Sampath) in view of U.S. Patent No. 6,170,065 (Kobata). Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,170,065 (Kubota) in view of U.S. Patent No. 6,892,317 (Sampath).

Claim 12 has been amended to clarify that which is claimed. Claim 12 as amended includes at least the following limitations that are not described, suggested or otherwise taught in the cited references:

"loading a plurality of failure information entries into a memory of the file server, wherein each entry corresponds **to a failure of a computer program module in a user computing device** in communication with the file server;

for each failure information entry to upload **to the destination server**, performing the following steps:

automatically obtaining information from the destination server regarding the **type of failure information** that is needed;

> **automatically determining** whether the **type** of failure information
> needed is the **type** in the failure information entry; and
> **if so**, then **uploading** the failure information entry to the destination
> server."

The Sampath reference (6,892,317) has been carefully reviewed and is believed to be lacking these essential teachings. For example, the Sampath reference fails to teach or suggest that information is **automatically obtained from the destination** server regarding the **type of failure** information that is needed. Nor does the Sampath reference teach or suggest that the failure information is **uploaded** to the destination server **when the type** of failure information needed **is automatically determined** as **the type** of failure information for the failure information entry, which is only found in Applicants' amended claim 12. A review of columns 11, lines 17 - 22 in Sampath, as well as the reference as a whole describes that these functions are performed by the administrator and not by a computed implemented method. Moreover, Sampath teaches away from Applicants' claimed invention is requiring all information to be uploaded and then leave it up to the administrator to determine if additional information will be required (e.g., see col. 11, lines 35 – 39).

The failings of Sampath are not cured by the Kobata reference. As described previously above, **Kobata requires** that the **administrator manually diagnoses** problems, and then the **administrator manually initiates a fix** to the problem by running a script. Also described previously above, the Kobata reference has a very different purpose from the Applicants' invention in that Kobata's purpose is to manage a plurality of computers by pushing scripts and

repair patches out to multiple client computers **once the administrator has identified** a known solution to the problem.

For those reasons described above it is believed that Applicants' amended claim 12 includes features that are not taught or described in the cited references. Moreover, it is believe that the combination of the cited references does not result in Applicants' invention as claimed in amended claim 12. For at least those reasons described above it is believed that the rejection of claim 12 under 35 U.S.C. § 103(a) is overcome and notice to that effect is kindly requested. Claim 14 depends upon and further limits claim 12, which is proposed to be allowable, and thus claim 14 should also be allowable for at least those reasons as well as any additional limitations they recite.

Independent claim 15 has been amended and is believed to be in proper form for allowance as described above. Claims 16 and 17 depend upon and further limit claim 15, and should be allowable for that reason as well as any other limitations they recite.
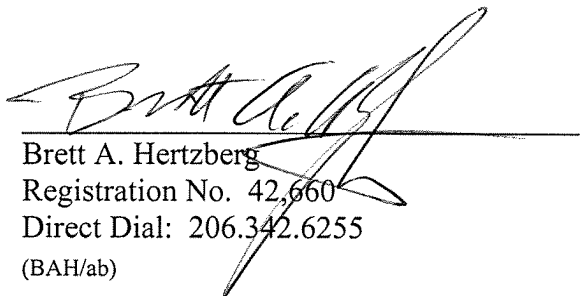
For at least those reasons described above, it is believed that the rejection of claims 12, 14, 16 and 17 under 35 U.S.C. § 103(a) is overcome and notice to that effect is respectfully requested.

In view of the foregoing amendments and remarks, all pending claims are believed to be

allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is

respectfully requested. Should the Examiner have any further issues regarding this application,

the Examiner is requested to contact the undersigned attorney for the applicants at the telephone

number provided below.

Respectfully submitted,

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